

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN AGRAMONTE, on behalf of  
himself and all other similarly situated  
employees,

Case No.: 14-cv-3074 (PAE)

**DECLARATION OF JONATHAN  
AGRAMONTE**

Plaintiff,

v.

RICHARD SHRAGER and RICH FOODS 37,  
LLC,

Defendants.  
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**I, Jonathan Agramonte, swear under the penalty of perjury as follows:**

- 1. I am the Plaintiff in this lawsuit and have signed a consent form/**
- 2. I was employed as a delivery person for Defendants RICHARD SHRAGER (“SHRAGER”) and RICH FOODS 37, LLC.**
- 3. SHRAGER owns and operates Defendant RICH FOODS 37, LLC (the “Restaurant”) which is a joint Papa John’s/Subway Sandwich Shop franchisee restaurant located at 12 East 37th Street, New York, New York.**
- 4. From on or about June 15, 2013 through July 11, 2013, I worked for Defendants at the Restaurant and earned \$5.00 an hour.**
- 5. My one month tenure as a delivery person is typical of the delivery workers at the defendants Papa John’s**
- 6. Every delivery worker was paid the same \$5.00 per hour. I know this because my cousin Leandro Castro was also a delivery worker at the Restaurant, and I spoke to other delivery workers.**

7. The majority of my time was spent on non-tipped duties including, but not limited to, cleaning, making pizza boxes, answering the phones, preparing food, carrying boxes, wiping the walls, and putting away products.

8. I was required to purchase his own bike, pay for his own repairs, and purchase a helmet and reflectors without reimbursement by Defendants.

9. I was also required to purchase and launder my own uniform.

10. Mr. Shrager, I have been informed, was responsible for me and the other delivery workers working before we clocked-in and after we clocked out for the day.

11. Mr. Shrager, I have been informed, was responsible for me and the other delivery workers to purchase and launder his own uniforms.

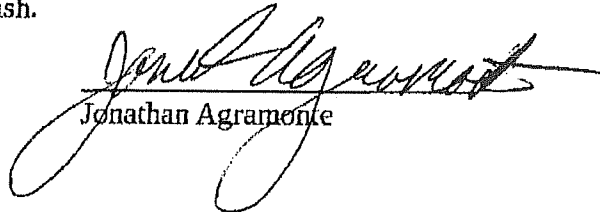
12. There was a \$1.50 service charge for each delivery added to the bill but no customer ever knew I did not get the \$1.50 delivery charge, and often would not tip me because of the service charge.

13. The only place the service charge appeared was in small type on the box which customers never saw.

14. We did not give receipts identifying the charge in 12 point font as a service charge. In fact, we did not provide receipts to customers.

15. All delivery persons were treated exactly the same as me.

16. Most of the other delivery workers were short-term employees and often undocumented workers who speak only Spanish.

  
Jonathan Agramonte